

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Cause No. 1:19-cr-0067-JMS-MJD
	)	
WILLIAM SEBREE,	)	
	)	- 01
Defendant.	)	

**REPORT AND RECOMMENDATION**

On March 16, April 9, and July 16, 2021, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on January 12, 2021. Defendant Sebree appeared in person with his appointed counsel Gwendolyn Beitz, Dominic Martin and Jane Ruemmele. The government appeared by James Warden, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Brent Witter.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Sebree of his rights and provided him with a copy of the petition.
2. Contested revocation hearing was held. Testimony was presented and evidence was proffered. Arguments were presented. The Court found defendant guilty of violation numbers 1, 2, 3, 4, 5, and 6. [Dkt. No. 34.]
3. The allegations to which the Court found Defendant guilty, as fully set forth in the petition, are:

**Violation  
Number**

**Nature of Noncompliance**

- 1           **“You must refrain from any unlawful use of a controlled substance.”**

On December 16, 2020, Mr. Sebree submitted a urine sample that returned positive for amphetamine and marijuana. Prior to the collection of the drug test, Mr. Sebree admitted unlawfully possessing and using methamphetamine on December 15, 2020.

The Court was previously advised Mr. Sebree submitted a urine sample on July 2, 2020, that returned positive for cocaine. On July 10, 2020, he submitted a urine sample that returned positive for cocaine and marijuana.

- 2           **“You shall report to the probation officer in a manner and frequency directed by the court or probation officer.”**

Mr. Sebree failed to report for a scheduled office appointment with the probation officer on December 9, 2020.

- 3           **“You shall participate in a substance abuse or alcohol treatment program approved by the probation officer and abide by the rules and regulations of that program (provider, location, modality, duration, intensity, etc.).”**

Throughout his term of supervision, Mr. Sebree has sporadically attended substance abuse treatment. After a period of attendance non-compliance, he was instructed to contact his counselor on December 17, 2020, to schedule an appointment. As of the writing of this report, Mr. Sebree has failed to follow through as instructed.

- 4           **“You shall submit to substance abuse testing to determine if you have used a prohibited substance or to determine compliance with substance abuse treatment. Testing may include no more than 8 drug tests per month. You shall not attempt to obstruct or tamper with the testing methods.”**

Mr. Sebree has failed to report for drug testing on August 5, 2020; August 18, 2020; August 25, 2020; September 8, 2020; September 17, 2020; September 24, 2020; October 16, 2020; October 20, 2020; November 5, 2020; November 11, 2020; November 23, 2020; December 3, 2020;

December 9, 2020, and December 22, 2020. On December 16, 2020, Mr. Sebree was given all the information again for the call-in drug testing line and was instructed to begin calling December 17, 2020. As of the writing of this report, Mr. Sebree has failed to follow through as instructed.

- 5        **“You shall participate in a mental health treatment program as approved by the probation officer, and abide by the rules and regulations of that program. The probation officer, in consultation with the treatment provider, shall supervise participation in the program (provider, location, modality, duration, intensity, etc.). You shall take all mental health medications that are prescribed by your treating physician.”**

On December 16, 2020, Mr. Sebree was instructed to contact his mental health counselor to schedule an appointment. As of the writing of this report, Mr. Sebree has failed to follow through as instructed and pursuant to his counselor the last contact was in the beginning of December 2020.

- 6        **“You shall make a good faith effort to follow instructions of the probation officer necessary to ensure compliance with the conditions of supervision.”**

On December 16, 2020, Mr. Sebree advised he was working as a 1099 contract employee for The Right Touch Barbers in Indianapolis. He was instructed to send verification of his earnings for employment verification purposes to his probation officer on a weekly basis. As of the writing of this report, Mr. Sebree has failed to follow through as instructed.

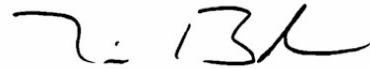
4.        The court found that:
- (a)        The highest grade of violation is a Grade B violation.
  - (b)        Defendant’s criminal history category is IV.
  - (c)        The range of imprisonment applicable upon revocation of supervised release, therefore, is 12 to 18 months’ imprisonment.
5.        The government recommended a sentence of eighteen (18) months with no supervised release to follow. Defendant requested time served.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the

Attorney General or his designee for a period of fourteen (14) months with credit for time served and no supervised release to follow. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: 7/21/2021

A handwritten signature in black ink, appearing to read 'T. Baker', written over a horizontal line.

Tim A. Baker  
United States Magistrate Judge  
Southern District of Indiana

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